IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 19677 of 2006

DATED: 27.9.2006

Between:

K.Manohara Swamy petitioner

And

Divisional Engineer Electrical
Construction and operation,
Northern Power Distribution Company Ltd
Warangal and others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 19677 OF 2006

ORAL ORDER:

The present writ petition is filed questioning the action of the respondents in not paying the pension to the petitioner.

The petitioner herein, while working as Foreman Grade I in the respondent company, retired from the service on attaining the age of superannuation on 31.7.2005. The wife and children of the petitioner filed O.S. No. 15 of 1999 seeking maintenance on the file of the Family Court, Warangal. The Family Court, Warangal by its order dated 14.3.2002 granted maintenance to the wife and children of the petitioner. Questioning the said orders, the petitioner herein filed an appeal in C.M.A. No. 3592 of 2002 and obtained an interim order, which reads as under;

> "Interim stay on condition of the petitioner paying Rs.3,500/- per month, to the respondents inclusive of the amount already awarded, pending further orders. The arrears arising out of the order of the lower Court shall be paid within two months from the date of receipt of this orders. Notice."

The wife and children of the petitioner, filed a petition in F.A.C.M.P. No. 211 of 2005 in C.M.A. No. 3592 of 2002 and this Court

on 2.9.2005 passed the interim order, which reads as under;

> "Counsel for the respondent-appellant submits that though he retired from service, he did not make any claim for the settlement of retrial benefits. The present petition is filed by the wife and children of the respondent. It is submitted that in case the respondent-appellant draws the retrial benefits, the petitioners will be put to irreparable loss. Hence, it is directed that pending further orders in this petition, appellant-respondent shall not draw any retrial benefits until further orders. Post this matter after two weeks".

The petitioner herein alleges that in view of the above orders, the respondents have not processed his pension papers and informed him orally to obtain directions from the Court. The petitioner contends that pension will not come within the retirement benefits and the action of the respondents in not paying the pension is illegal and sought for interference of this Court.

Heard the learned counsel for petitioner and learned standing counsel for respondent company.

The grievance of the petitioner is that pension cannot be treated as retirement benefit and the action of the respondents in not processing his pension documents, is illegal. Even according to the own admission of the petitioner, in view of the interim orders of this Court dated 2.9.2005 in F.C.A.M.P. No. 211 of 2005 in C.M.A. No. 3592 of 2002, the respondents are not processing his pension documents. If the petitioner is aggrieved by the orders of this Court dated 2.9.2005, the proper course for him would be to take necessary steps to file an appropriate application raising all his contentions seeking to vacate the said order or to avail the other remedies available to him under law. Without availing the said remedies, the

petitioner has chosen to file the present writ petition, which is not maintainable.

For the above reasons, the writ petition fails and accordingly, the same is dismissed. No costs.

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N.V.RAMANA,J

DATE: 27-9-2006

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